

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.

CHAD MARTINEZ AND LARRY KING, individually and as class representatives,

Plaintiffs,

v.

SOCIAL SECURITY ADMINISTRATION, an agency of the United States Government,

Defendant.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF UNDER THE
FREEDOM OF INFORMATION ACT**

Plaintiffs, by their undersigned attorneys, for their Complaint, allege upon personal knowledge as to themselves and their own acts, and upon information and belief (based on the investigation of counsel) as to all other matters, as follows:

1. This is an action brought under the Freedom of Information Act, 5 U.S.C. § 552, as amended, to enjoin Defendant Social Security Administration (“SSA”) from withholding from public disclosure certain records within its possession and control.
2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(3) and (a)(4)(B).

3. Plaintiffs Chad Martinez and Larry King are individuals who have been appointed class representatives of the certified class in an action currently pending in the District Court for the City and County of Denver, Colorado, styled *Martinez et al. v. Colorado Department of Human Services, et al.*, No. 02CV1066. In their roles as class representatives, Plaintiffs need and are seeking information about the SSA's operations in the area of reimbursement by the Social Security Administration of Interim Assistance benefits paid to successful claimants for Supplemental Security Income ("SSI") benefits.

4. Defendant Social Security Administration is an agency of the United States, established by statute and charged with responsibility for, *inter alia*, administration of federal programs for social security benefits including SSI benefits. The SSA has possession of the records to which plaintiffs seek access.

5. Plaintiffs filed with the Defendant on January 4, 2007, a letter requesting access to certain documents, under the Freedom of Information Act, and a copy of this letter is attached hereto as Exhibit 1. Access was requested to records pertaining to the SSA's payment of Interim Assistance benefits for successful claimants for SSI benefits.

6. By letter dated April 6, 2007, Defendant denied Plaintiffs' request and alleged that the material was exempt from public disclosure pursuant to 5 U.S.C. § 552(b)(6); a copy of this denial is attached as Exh. 2.

7. Plaintiffs filed an administrative appeal under the statutory rights accorded by 5 U.S.C. § 552(a)(6)(A) on May 2, 2007; a copy of this appeal is attached as Exhibit 3.

8. More than twenty days have passed since the date of Plaintiffs' appeal, which is therefore deemed to have been denied pursuant to 5 U.S.C. § 552(a)(6)(A)(ii).

9. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a)(3), Plaintiffs have a right of access to the documents requested, and Defendant has no legal basis for its actions in withholding the right of access to such documents.

10. Plaintiffs have exhausted their administrative remedies as provided in the Freedom of Information Act and agency regulations.

WHEREFORE, Plaintiffs pray this Court:

- A. To take jurisdiction of this cause;
- B. To order Defendant to permit access to the requested documents; and
- C. To grant such other and further relief, including reasonable attorney fees and other litigation costs reasonably incurred, as the Court may deem just and proper.

Respectfully submitted this June 1, 2007.

THE CAREY LAW FIRM

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